



Meeting Minutes

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First, Second,
and Third Tuesday of each month

REGULAR MEETING
August 14, 2007

County Courthouse
Bridgeport, California 93517

9:00 a.m. Meeting called to order by Chairman Hazard

Pledge of Allegiance led by Supervisor Bauer

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD MEMBER REPORTS

Supervisor Reid reported on the following issues and activities:

1. Attended the Mono Basin RPAC meeting last Wednesday; discussion included a matter about the softball field where the Lee Vining girls' team plays. Evan Nikirk is working on the situation, and will do an on-ground analysis. The RPAC found a good piece of land for affordable housing; they will bring this matter to the Housing Authority next month. State Parks gave a PowerPoint presentation about the trap range and told people it will be demolished; people are not happy. The captain said he won't demolish the range until he meets with the local community to get the history and consider alternative sites. Reid asked if there is any potential and/or restriction on using Conway or Mattly for a trap range. He asked County Counsel to check into this.
2. Attended the LTC meeting; the bus-shelter project is moving forward. Regarding the Coleville/Walker post office, Reid will follow-up on this issue. Caltrans gave updates on their activities in the County and the Town. They reviewed every project that is approved or in the planning phase, and outlined the costs and completion dates. They plan to review a bad curve in Topaz; there will be a public meeting this week in Walker to hear from the community, and the director of Caltrans from Sacramento will be there.

Supervisor Hunt reported on the following issues and activities:

1. Attended the Mono County management meeting; it was a good meeting with a lively discussion. Community Development and the Clerk's Office will be developing a website for the Housing Authority. Bob Musil attended the meeting; Jim did not participate.
2. On August 8th attended the First 5 commission meeting. Kathy Peterson has sustained an injury; her staff and board members are trying to help out. Hunt suggested the Board send a card. Because of her strong work ethic, Kathy will continue to be involved with work during her recovery.
3. Attended the Mammoth Lakes Fire Safety Council meeting at the new station on Wednesday evening. The new station is an amazing place with a nice meeting hall. The fire chief talked about fire danger in this area; the Lakes Basin and the Old Mammoth area have the highest risk for fire right now. Trees are dying from drought, and are becoming a fire hazard; they are talking about creating fire breaks. The Fire Safety Council meets on the 2nd

Wednesday of every month; in October they will have chipper available for community use.

4. Attended the Mammoth Lakes Housing Board of Directors meeting last Thursday; reported about County issues, including the relationship with Mono County.
5. Received a thank-you from Chamber Music Unbound for the County's donation. They have done great things with music education.

Supervisor Bauer reported on the following issues and activities:

1. Attended the Women's Club on Tuesday; discussed a list of improvements to the community center, and made a wish list and deferred maintenance list. These issues are moving towards resolution.
2. Attended the CAC meeting and talked about the ball field; there is no support for a dog park. Reported at the meeting that Kelly Garcia will work on maintenance issues at the ball park. The group also worked on the trails plan.
3. Participated in the June Mountain visioning process on Wednesday and Thursday; this will become a community-wide process. They are working to have a cohesive picture between the community, the mountain and the developer. Their next meeting will be in September.
4. Worked with friends of the Inyo on Friday; they pulled barbed wire out of Parker Creek.
5. Regarding YARTS, compared to June 2005-06, ridership is only off by about 5%.
6. ESTA is moving forward. Sarah has the intranet website up and running, and the Eastern Sierra region-wide calendar should be up soon.
7. Will participate in the transportation meeting with the national park service and forest service next week.
8. Attended the Firemen's BBQ on Saturday; it was a good event.

Supervisor Farnetti reported on the following issues and activities:

1. Attended the department heads' meeting on Wednesday. The Finance Director will agendize for a Board of Supervisors meeting the policy on use of public funds; his office is also closing the books for last fiscal year. Community Development reported on the Intrawest supplemental application that includes 850 units of commercial area, plus affordable units. There is a meeting in Bridgeport on the 20th to review the impacts of this project. The Sheriff reported that his department will be ordering prescription drugs through the mail for jail inmates in order to save money. The state recently inspected the jail and gave a glowing report; the cited only two issues: a leaking roof and overcrowding.
2. Attended the solid waste task force meeting on Wednesday. They discussed a proposal to purchase 34 acres off highway 167 (Gloria Woods' property) in order to build a warehouse to store vehicles that service the north end of the County. In the future, they would like to turn this site into a transfer station where trucks would bring waste to be sorted and put in an end-truck, which would hold up to four truckloads and then be hauled to the landfill. This would reduce some costs. One homeowner that lives close by has issues that need to be addressed. Other issues with the transfer station and landfill have been addressed.
3. Attended LTC yesterday along with two other Board members. They discussed the ridership on Mountain Express, which has not been good since the program's inception. There are issues with schedules; they did cut the mid-day route. Staff will review the issue and come back in September for a final determination. Gasex was discussed; Caltrans gave an update, and is moving forward. A contractor has been hired and some work has started pending a bond being posted; they hope to complete the project before it snows. Chairman Hazard asked that Caltrans be notified as soon as possible about the County's use of the bypass road.

Chairman Hazard reported on the following issues and activities:

1. Attended a meeting with the hospital, the town and the courts on the 14th; they discussed the design and review standards. AOC is not going to give up control; the town expressed reluctance about this. The courts will discuss the issue so the town can have a degree of input. They decided that the discussion about the northeast corner is between the town and the courts, and does not involve the county. The town conceded that the corner will go to the courts. The land exchange should be completed by end of the federal fiscal year, which is September 30th.
2. Attended the LTC meeting; discussed the issue of having alternates attend meetings for ESTA and LTC. The town and county will go back to their respective Boards and come up with a recommendation, which may include having a staff member or citizen attend. Mark Magit will look at the bylaws. The Caltrans Mohave project is nearing completion and the ribbon-cutting ceremony will be taking place soon.
3. Senator Cox will be here on September 18th, and will attend the adjourned meeting in Chalfant. Hazard asked to have this item scheduled early on the agenda. The Senator will provide an update about what the state is doing and answer questions. Hazard will let his constituents know they have the opportunity to address Senator Cox.
4. Held office hours in Chalfant; there are no significant issues. Public Works was able to recruit help from Calfire to get inmate labor to paint the community center. Drove to Monterey that night; visited an auto show that featured Indianapolis race cars from different eras. Returned early Monday morning for LTC.

COUNTY ADMINISTRATIVE OFFICE

- 1) **CAO Report regarding Board Assignments (David Wilbrecht)**
RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht, CAO, reported on the following issues and activities:

1. Spent time on personnel issues this past week.
2. Last week's management meeting went well.
3. The agenda review committee will meet on Wednesday; the new agenda software has been purchased and the committee is working on the design elements. The committee will have a presentation tomorrow about the upgrades.
4. Attended the MAG meeting in Mammoth; Chief Harper gave a presentation about what he learned from the Agora fire in Lake Tahoe and how that might play out in Mammoth. He made a persuasive argument about reducing the fire load. He will make his presentation at the next Board meeting. He has a multi-year plan to reduce the fire load in Mammoth and the Lakes Basin, and is currently looking at a property tax to initially put together a \$200,000 package to clear and thin the area, with a future plan for \$300,000 to be matched with grant funds.
5. Met with Supervisor Bauer and Joe Walsh from Intrustwest to talk about June Lake and the visioning process.
6. Participated in a conference call about AB 900, a law for the purpose of building jails and correctional facilities; Mono County will participate in the process. Will go to Sacramento on August 23rd.

7. Working with IMAAA and Inyo County on the service in Walker; still not satisfied with the issue. IMAAA provides food, housekeeping, medical, and transportation services to seniors. There has been a decline in the level of service; working with Inyo County to improve. Supervisor Reid has also been working on this issue.
8. Continuing to conduct performance reviews with department managers.

2) **APPROVAL OF MINUTES**
Special meeting of July 24, 2007.
M07-196 **(Hunt/Reid, 4-0; Farnetti abstain)**

CLOSED SESSION

Adjourned for closed session from 9:02 a.m. through 10:05 a.m.; break from 10:05 a.m. through 10:15 a.m.

- 3) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: two.
- 4) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, and Brian Muir. Unrepresented Employees: Public Health Officer.

Reconvened at 10:15 a.m.

DEPARTMENT REPORTS/EMERGING ISSUES

Christy Robles reported on the following:

1. Updated the Board on election issues. There will be an election in November for the Mammoth Unified School District measure. The decertification of the voting system does not affect any election held within six months, so the November election will be conducted as usual. Updated the website to provide information about upcoming deadlines. Published sections of the election code concerning second home owners and others in order to provide proper notice. Previewed a segment of a Dan Rather report about touch screen voting machines; will watch the complete report as soon as possible. Will keep the Board updated.

Sheriff Scholl reported on the following:

1. Regarding the jail inspection last Tuesday, there is nothing wrong except the issue of overcrowding and a leaky roof; the state says the jail is doing an excellent job otherwise. The automated tracking process is working well. Also, the department has increased patrol coverage to nearly 24 hours per day.

CONSENT AGENDA

(All matters on the consent agenda are to be approved in one motion unless a board member requests separate action on a specific item)

SHERIFF-CORONER

- 5) State of California Off-Highway Vehicle 2007/2008 Operation Grant
RECOMMENDED ACTION: (1) Adopt **Resolution R07-___**, "A Resolution of the Mono County Board of Supervisors Approving the Application for State Off-Highway Vehicle Grant". (2) Name Richard C. Scholl, Sheriff/Coroner, as the authorized representative of the Mono County Sheriff's Department and the County of Mono. Fiscal impact: \$40,500 grant revenue; \$13,500 expenditure match.

THIS ITEM WAS PULLED AND WILL BE RESCHEDULED

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)				
All items listed are available for review and are located in the Office of the Clerk of the Board				
#	Received	Dated	From	Subject
6a)	7-30-07	7-25-07	US Department of the Interior Fish and Wildlife Service	Proposed Rule to Designate Approximately 417,577 Acres as Critical Habitat for the Federally Endangered Sierra Nevada Bighorn Sheep
6b)	8-08-07	7-04-07	Joyce Ponso	June Lake Community Center Handicapped Access
Supervisor Reid asked County Counsel to draft a letter, for the Chair's signature, addressed to Joyce Ponso answering her concerns. Chairman Hazard acknowledged receipt of the letters.				

BOARD OF SUPERVISORS

- 7a) Certificate of Appreciation Presented to Don Banta
ACTION: Present Certificate of Appreciation to Don Banta who has retired from the Lee Vining Public Utility District after serving for 55 consecutive years as an elected board member.

Supervisor Reid thanked all those in attendance. He has known Don for a long time and it is a pleasure to call him a friend. He is a great community leader and always has a very positive attitude;

he is a gentleman at all times. Don offers a tremendous wealth of knowledge about the history of the county and the Mono Basin. Don's father, Bill, was a member of the Board of Supervisors. Mr. Banta said he became a member of the PUD the same year his father was elected to his first term.

Martin Strelneck said he moved here in 1963 and worked for the Sheriff's Office. Don Banta was one of his first contacts in Mono County. Over the years he has relied on Don for advice, information about the geography, and lessons on how to catch fish. When Strelneck retired he decided to stay in politics and become a member of the Lee Vining PUD. He realized then that the PUD has been held together for more than five decades by Mr. Banta. He has the knowledge, ability, and wisdom to make decisions. Don got it on the right track and the people in Lee Vining owe a lot to him. On behalf of the PUD board, he congratulated Don. Tom Strazdins said Don started the water department from nothing, and was the spearhead for the whole water system.

Supervisor Reid read the Certificate of Appreciation and presented it to Don Banta. The Board acknowledged his service with a standing ovation.

Mr. Banta expressed his sincere appreciation to the Board for their acknowledgement. He has received much from living in Mono County and Lee Vining; his family first came to Lee Vining in 1933. He thanked everyone in the audience, and acknowledged others who had started the PUD board; he praised their efforts. Many members of the Banta family continue to be active on the board.

7b)

Report from Michael Schlafmann

ACTION: Receive introduction of Michael Schlafmann, Deputy District Ranger, Mammoth and Mono Lake Districts, and hear brief report on Inyo Forest projects.

Michael Schlafmann expressed his thanks for the opportunity to appear before the Board, and is looking forward to more interaction with them. He has worked for the forest service for 16 years, and came from a position in Montana. He has a diverse background in archeological studies and geology. Early in his career he worked in Stanislaus, and spent his free time in the Eastern Sierra. He came to this area originally as a recreation planner, and is very happy to be in his current position. He takes his role as a public servant seriously, and also takes his regulation duties seriously. He enjoys getting things done (the Mono City road is an example), and he wants to achieve mutual objectives and complete projects.

Supervisor Reid asked about the cinder mine. Schlafmann said the permit is under further review, but in the interim, he intends to help meet the county's needs. He realizes this source provides the highest quality, cost effective cinder, and its use is important for public safety. At this time, he is caught between meeting his mission and the regulations and policies. The Black Point Mine has submitted a proposed plan of operations for a long term mineral extraction project; the project is somewhat larger than the current pit face. He is involved in a continuing dialogue about revising the plan so the size meets regulations, and allows for continued use of the pit without creating risk. The company seems amenable to a smaller operation. He hopes to be able to go through the formal process in about 4-6 weeks. The issue is moving forward, and the company will continue to supply cinders. He will keep the county updated.

Supervisor Hunt asked about the status of the Cunningham property. Schlafmann said they have completed the preliminary appraisal, which was not quite high enough for the owners. There is a dialogue between the Cunninghams and Mammoth Mountain Ski Area to see if they can renegotiate a price.

David Wilbrecht, CAO, asked about the Gasex project in Lee Vining. Schlafmann said Gasex will enhance public safety as they drive by Mono Lake since the passes will be controlled with a propane-based air explosion. Caltrans began construction two weeks ago, and they hope to have the system operable by this winter so they can test its effectiveness. Supervisor Reid said as a result of this project, the county may not have to use the bypass road. Chairman Hazard said at the LTC meeting, he asked to keep the agreements in place in case there are any delays this year. Schlafmann said they need to establish a track record to show the system works.

Supervisor Hunt asked if the fire hazard would be extreme through October. Schlafmann said he believes it is an extreme hazard in some areas of the county. If the current weather pattern persists (cooling trend, rising humidity and fuel moisture, and lack of lightening and thunder storms), Schlafmann said he feels fairly comfortable about the situation.

Supervisor Bauer said the June Lakes community wants a fuel reduction program; the plan was to create a barrier throughout the canyon behind the houses. She said funding did not accommodate the complete project. Schlafmann said he will check into this issue; the intent is to make the fuel break functional. The first phase should be completed in next two weeks; he will check on the other two phases.

Chairman Hazard said many agencies are in the process of plan update reviews and assessments. There has been general discussion recently about having all entities bring in goals and planning ideas to create an overlay and identify a regional concept in an effort to support each other. He would like to have Schlafmann involved in this. Schlafmann said he didn't think anyone from Inyo was at the meeting, and he appreciates the invitation. He agrees with this idea 100%, and will present their five-year business plan at a later meeting. He believes the agency needs to be tied to local governments; they are also getting a clear signal from Congress that they need to engage with local communities and find creative ways to accomplish objectives. Chairman Hazard agreed that they can go further by supporting each other. He thanked Mr. Schlafmann for coming.

7c) Verbal Update and Status Report by the Assessor on his Office and Activities
(James Lovett)

M07-197 **ACTION:** The Board of Supervisors finds that it is necessary and important to examine James Lovett, Mono County Assessor, as a witness and County officer regarding his discharge of official duties and relating to the affairs or interests of the County pursuant to Government Code Section 25170, and directs the Chairman to issue a subpoena for Mr. Lovett to appear today (August 14, 2007) in the Board Chambers at 2:00 p.m.
(Bauer/Reid, 5-0)

M07-198 **ACTION:** In the public interest, remove the Assessor's vehicle mileage allowance until such time as the Board is satisfied beyond a reasonable doubt that the Assessor is not consuming alcohol during work hours.
(Reid/Hunt, 5-0)

M07-199 ACTION: The Board finds and determines that it is necessary and important for James Lovett, Mono County Assessor, to appear before the Board on August 21, 2007, at 2:00 p.m., as a witness and county officer pursuant to government code section 25170, and authorize the Chair to subpoena Mr. Lovett to appear at that time, if County Counsel determines that Mr. Lovett is not required or entitled to attend a conference on that same date.
(Reid/Farnetti, 5-0)

The Assessor was not present to give his report.

David Wilbrecht, CAO, said a news article has been written about the report given at last week's Board meeting by the Assessor. Wilbrecht said he anticipated the Board might want more frequent meetings, so he scheduled a report for each week. He called Lovett on Thursday and left a voice mail message informing him that he would be on today's agenda; Lovett also gets a copy of the agenda. Lovett had stopped by the Clerk's office on Thursday and told the Clerk of the Board that he had no intention of coming to the Board meeting. The Board has the authority to require a report from appointed and elected officials, and there are tools available to the Board to have him here (the subpoena process).

Marshall Rudolph, County Counsel, said the Board of Supervisors has the power to subpoena any person to appear before it on matters related to the affairs or interests of the County. This is a rarely used power, and is rarely used in other counties, but has been on the books since 1907. The Chair can issue the subpoena when the Board determines as a whole that it is important for the person to appear. When the Board deems it necessary or important to examine any person or county officer, the Chair can issue a subpoena for the person to appear. State statute indicates that the Chair shall issue a subpoena in proper form to appear at a specified time and place, and can also require documents. There is no official "form", so Rudolph said he drafted a subpoena for this purpose if the Board so chooses. It would be a subpoena to the Assessor indicating he is ordered to appear at the Board of Supervisors meeting, either today or at a later time. The subpoena is patterned after the standard form used in court proceedings, and addresses such issues as reimbursement of fees and punishment for failure to obey, which would be deemed to be in contempt and this would be reported to the judge of the superior court. The law requires the subpoena to be served by the Sheriff and must be read to the person named therein. Marshall reiterated that the Board can use this power to subpoena Lovett to appear today, or they can set this for next week at a specified time.

Supervisor Reid said Mr. Lovett has been apprised of the Board's subpoena power in two different meetings with himself, the CAO, and County Counsel, so this won't be new to him if the Board decides to issue the subpoena.

At this point, Chairman Hazard said the Board will ask questions, and will then take public comments. The Board will then discuss the issue. There were no other questions from the Board.

Christy Robles asked if the subpoena can be served in Nevada or just Mono County. Marshall Rudolph said the CAO has talked with the district attorney, who said it would be difficult to serve in Nevada; it would be easiest to stay within the county since out-of-state service is a complicated and involved procedure. There were no other public comments.

Supervisor Reid supported issuing the subpoena today and bringing Lovett in this afternoon. Supervisor Bauer agreed. Supervisor Farnetti said the Board had made it clear to the Assessor that based on his actions, the Board required a weekly update from him about his performance and his department. He understood this and chose not to come today. Farnetti said this is a slap in the face to the Board and the citizens, who deserve better; he supported issuing the subpoena. Supervisor Hunt said the Assessor's behavior is pathetic and opposes what they strive for in county government. He said he is angry that the situation has to come to this point; he supported the subpoena. Chairman Hazard said this is a dark day in Mono County history. He had intended to offer a limited apology for a question he asked Lovett last week that may have been perceived as inappropriate. But he believes the Board's role is to question Lovett in a public forum in order to understand the conduct inside the office, and find out if things are improving or deteriorating. Hazard said he appreciates and respects the separation of powers, but voters need to be informed and this requires a public discussion. He supported issuing the subpoena and requiring Lovett to appear at 2:00 p.m. today. Supervisor Reid said it is a sad day, and he believes Lovett's actions are a violation of the public trust.

Prior to the lunch break at 12:37 p.m., Marshall Rudolph, County Counsel, reported that the subpoena was served on Jim Lovett and he would be here at 2:00 p.m.

Lovett was present at 2:00 p.m., and when called upon, he gave the following report:

- Worked on the California Land Act properties this morning.
- Things are going along fine.

Board Discussion

Supervisor Farnetti asked Lovett if he had changed his work habits since the last discussion. Lovett said he is still working 3 days per week, as other elected officials have; there is no legal requirement to work more. Farnetti said citizens expect more than three days per week; Lovett is getting paid a nice salary to work more than three days.

Supervisor Bauer asked Lovett why the Board had to subpoena him today. Lovett said if he does not put an item on the agenda or is consulted, he is not coming to the Board meeting. He said the CAO has been putting him on the agenda; he was told the Board requested a monthly report, but it has been weekly. Bauer asked Lovett if he knew he was on the agenda today, to which Lovett responded yes. Yet, Bauer remarked, he wouldn't come without a subpoena. Lovett said he has been taken to task because his daughter requested a welfare check, but the Board used the Sheriff's time to serve a subpoena; welfare checks are done several times a week. Hazard said they wouldn't have issued the subpoena if Lovett had shown up this morning.

Lovett said he was finished with his report and would answer questions that only involved the office.

Supervisor Reid said he wants Lovett to be successful, but he needs to come to work clean, healthy, and sober, and put in a full week. Lovett said he is clean, healthy, and sober. Reid asked for a Mammoth Mountain update. Lovett said he spoke with a representative who indicated that the matter should be completed by the end of the summer, but didn't specify a date. Reid said at a previous Board meeting, they talked about Bob Musil's duties being taken away, and Lovett said didn't do this. Reid asked if this was still Lovett's position on the matter. Lovett replied yes, and said last Wednesday he asked Musil if he (Lovett) had taken away duties and Musil replied no. They reviewed a list of Musil's duties which are the same as they have been. Reid said he spoke with Musil on Tuesday, and Musil indicated that duties had been taken away. Lovett suggested having Musil come

before the Board so they can ask him directly. He reiterated that Musil has not been relieved of duties; however, he cannot start new projects without checking first, nor can he take disciplinary actions without Lovett being present.

Supervisor Bauer asked Lovett if he had forbid Musil or other department members from speaking to the CAO or the Board. Lovett said no, but he wanted to be aware of it. Reid asked about a locked-door meeting Lovett had with his staff. Lovett said he didn't want any interruptions during that meeting. Reid referred to an email apology Lovett sent to his staff, and asked about his apology from Lovett. Lovett said when Reid apologized to him, he would respectfully apologize; Lovett said his verbal apology was on the record (from a prior Board meeting). Reid said Lovett told him last week he would provide a written apology, but hadn't done it. Now he was going back on his word by saying that Reid had to apologize first. Lovett said if it would satisfy Reid, he would write an apology. Reid asked when he would do it, and Lovett said when he does it.

Supervisor Bauer said the Board is held accountable and this situation puts the Board in an uncomfortable position when employees are having problems with their supervisor; she said Lovett is not fulfilling his end of the management bargain. She then asked him about moving. Lovett said he still resides at 821 Kingston, and receives his mail at PO Box 938 in Bridgeport. His car, and boat and trailer are registered in California, and he is a registered voter in Mono County. He is in Bridgeport more than 50% of the work week; Saturdays and Sundays are his own time. Bauer said this seems like a whitewash.

Supervisor Reid said Lovett is not in his office much and asked if he is current with returning phone calls and emails. Lovett said he responded to all his messages last week. Reid asked about a property owner by the name of Gansburg and whether or not Lovett had helped him. Lovett said he had a meeting with Gansburg today, and called Pete Gasney at the State Board of Equalization this morning to talk about the issue. Reid asked Lovett how long he had Gansburg's message before answering it. Lovett couldn't say; he received the records some time ago and he is now addressing the problem. Reid said he got the message about this assessment on either July 11 or 12; Lovett said possibly. Reid said if Lovett came to work this matter would have been taken care of already.

Supervisor Reid asked about vacant positions in the office. Lovett said he hired an appraiser who will be starting on September 17. He talked with Teresa about the auditor/appraiser position and said if a candidate doesn't qualify to do mandatory audits, don't hire the person above an Auditor I. Human Resources told him they are handling the office manager position; they have applicants and the interview board is ready. Robert Garret, Human Resources, said this is accurate; he has met with Lovett once in about three weeks and at this point, he (Garret) will initiate a meeting about the office manager. Supervisor Bauer asked Garret if he had done more than his share in this hiring process; Garret said no.

Supervisor Reid referred to the Cino property and said Lovett recently levied a \$16,000 penalty on him. Lovett said this is correct, but he talked with Cino's representative, Mr. Baumwohl, and the matter is resolved—they are forthcoming with the requested property statements. Reid said Lovett levied the penalty and then voided it after Baumwohl wrote a letter; he expressed concern about the process. Lovett explained that he sent the property statement in accordance with section 441 of the Revenue and Taxation Code; if the property owner doesn't return the statement, then the Assessor's Office can levy a 10% penalty on all unreported costs. In this case, the Assessor's Office was looking for costs incurred in 2006. The property owner has now sufficiently answered the questions and is forthcoming with the required information.

Supervisor Reid asked Lovett how often he drives on county business; Lovett replied not often. Reid asked Lovett if he still believes it is acceptable to drink at lunch; Lovett replied no, but said it is legal. Lovett said he goes to the Sportsman and drinks a club soda; he sits by the window so people can see him. Reid asked Lovett if he drinks during the work day; Lovett said no. Reid asked Lovett if he would take a random blood alcohol test. Lovett said he already covered this issue with the Board.

Supervisor Bauer asked about the time Lovett spends working at home. Lovett said he works 40 hours per week—he has a computer at home and works at night, plus he thinks about the office all day and night. Supervisor Farnetti said when Lovett was appointed, he worked five days a week. Lovett said he was an at-will employee. Farnetti said since being elected, Lovett acts as though he has the right to work only three days per week. Lovett said there is no legal requirement that he work five days.

Reid said Lovett had previously agreed to take a random blood alcohol test if the Board has reasonable cause to believe he is intoxicated. He asked Lovett if he would take a test if the Board believed he had been drinking but was below the intoxication level. Lovett said probably. Reid said he was not confident that Lovett wasn't drinking during the day, and he expressed concern about liability to the county if Lovett operates a vehicle on county business. Reid suggested the Board should remove the Assessor's vehicle mileage allowance until such time that the Board is satisfied Lovett is not drinking during work hours. Lovett said they would have to make a county vehicle available; Reid said they will provide a driver. Lovett said he is going to a conference and asked about a driver. Reid said they will figure it out.

Lovett said since going to rehabilitation he no longer drinks during the day. Reid asked why he didn't stay on Anabuse; Lovett said he prefers what his doctor prescribes. Reid said if Lovett needs to travel on county business then he should contact the CAO for arrangements. Lovett said he will make his own arrangements; the Board can take away his monthly allowance, but he won't have someone drive him—and he will charge mileage. Reid said he wasn't sure they would allow mileage; Lovett said he didn't think they had legal grounds to deny it.

Supervisor Bauer said when Lovett started as an at-will employee he did terrific things, but he is no longer part of a team and is not showing any leadership. Lovett said this comment is wrong. He said he will give reports as requested, but no one has contacted him. David Wilbrecht, CAO, said he called Lovett on Thursday and left a voice mail message. Lovett reiterated that he did not agendize this item, and he had been told that he would give monthly reports.

Chairman Hazard asked if the Board has any control over training. Marshall Rudolph, County Counsel, said he will review the issues regarding mileage reimbursement, auto allowance, reimbursement of expenses and attendance at conferences; he will also research the issue about providing a car and driver. For purposes of clarification, Rudolph said he understood the Board's motion to mean that rather than Lovett driving on county business, the county would provide a driver. Hazard said this issue will be on the agenda next week and Rudolph should report on the training and travel issues.

Lovett said he won't be at the meeting next week because he will be at a conference.

Regarding the subpoena, Chairman Hazard said he didn't know how Lovett could justify his actions to himself and the citizens; it is unacceptable. Lovett said he did not agendize this report. Hazard said the Board has the power to ask department heads for reports, and if Lovett is on the agenda then he is being called. Lovett said he informed the Clerk of the Board last week that he would not be here. Hazard said because of Board concerns, they want a weekly report; he asked Lovett if he understood and Lovett said yes.

Chairman Hazard then asked for an accounting of Lovett's time last week. Lovett reported the following:

- Tuesday—worked 8:30 a.m. to 9:30 a.m., returned at 10:00 a.m. and left for lunch about 11:30 a.m., returned at 1:00 p.m., left around 1:30 p.m. and returned about 2:00 p.m., left for the day at 4:30 p.m.
- Wednesday—worked 8:30 a.m. to 9:30 a.m., returned at 10:00 a.m., left at 11:30 a.m., returned at 1:00 p.m., left at 2:30 p.m., returned at 3:00 p.m., left for the day between 3:30 and 3:45 p.m.
- Thursday—came to work at 8:30 a.m. and left for the day at 10:00 a.m.; returned to work this morning at 8:30 a.m.

Hazard said Lovett isn't even working a full three days; Lovett said there was nothing to do on Thursday.

Referring to Bob Musil and his duties, Hazard asked about Lovett's directive that Bob take no disciplinary actions unless he (Lovett) is present. He asked Lovett what would happen during the hours Lovett is not there. Lovett said there is a prescribed method for discipline and he wants to be involved in meetings concerning disciplinary actions or reprimands. Hazard asked about personnel actions, to which Lovett said he wants to be involved in any action that will result in a report to someone's personnel file. Hazard asked Lovett if he understands why it is important for him to be in the office; Lovett said yes.

Chairman Hazard then asked Lovett what projects he completed on Tuesday. Lovett said he was working on the Baumwohl issue, and had written two letters concerning the Mountain and Cino. Hazard asked about the projects he works on at home, and if he could remember anything he had accomplished. Lovett said he wrote a letter to U.S. Pumice, spent time reviewing CLCA, discussed an issue with Tibor and Pete, called the State Board of Equalization, and met with Mr. Gasner. Last week he wrote letters, reviewed the Revenue and Taxation Code, and caught up on email and phone messages.

Chairman Hazard said Lovett will be here next week; Lovett said he will be at a conference. Hazard said the Board will let him know whether or not he can go. Lovett said he is attending the conference as an elected official, and if the Board takes away anything that relates to doing his job, he can hire outside counsel at county expense. Hazard said the Board will not take away anything to which he is legally entitled, but will take full control over what they can. Hazard asked Lovett if there was anything he wanted to tell the citizens. Lovett said he works diligently as required by the Revenue and Taxation Code to perform his duties as assessor.

Supervisor Reid asked Lovett if he had been drinking today. Lovett said no. Reid said Lovett seemed to be rambling and expressed the opinion that Lovett has violated the public trust.

Prior to adjournment at 4:05 p.m., Marshall Rudolph, County Counsel, asked the Board for clarification regarding the Assessor's appearance at next week's meeting.

Rudolph reiterated that he will research whether or not the conference is something Lovett is required or entitled to attend. If not, he asked the Board if they want to subpoena Lovett again to appear; if so the Board can make a motion today. Regarding the discussion for next week, the Board asked Rudolph to address the issue of Lovett's car reimbursement and/or auto allowance, and travel expenses; they also asked him to address the issue of providing a driver for county business. Marshall asked about the Board's intent regarding Lovett's auto allowance. Reid said his intent was

to take away the auto allowance and if Lovett has to drive on county business, then he should have a driver. The Board expressed their concern about safety and liability.

Chairman Hazard asked for this agenda item to be scheduled for 2:00 p.m. Rudolph said the subpoena will specify 2:00 p.m., and said if Lovett disobeys the subpoena then the Board is to report to a judge of the superior court, who can issue an attachment to bring Lovett into court regarding contempt.

Break at 11:05 a.m. through 11:15 a.m.; reconvened at 11:15 a.m.

HEALTH AND HUMAN SERVICES

8a) Health and Human Services Department Operations Plan for Emergencies
(Christina DeGeorge)

M07-200 ACTION: Approve the Mono County Health and Human Services Department Operations Plan for Emergencies, and annex the plan into the County Emergency Operations Plan.
(Hunt/Farnetti, 5-0)

Christina DeGeorge said the Mono County Public Health and Human Services Department is required to produce an operations plan for the Health Department that includes elements of emergency operations. They have updated the plan to include components addressing environmental health, mental health, and public health. The state approved the plan and asked the department to bring it before the Board of Supervisors. They also suggested it should become part of the county-wide plan, but this is the Board's decision. DeGeorge said she sent a copy to many stakeholders, and received feedback saying this is one of the best documents they have seen in 10 years.

8b) Health and Human Services Department Operations Center Generator **(Christina DeGeorge)**

M07-201 ACTION: Approve and authorize the Chair to sign an agreement with the Town of Mammoth Lakes to expend grant funding in the amount of \$30,000 for the installation of a generator unit to provide power to the Health and Human Services Department Operations Center and the Town's Emergency Operations Center (in the Minaret Village Shopping Center in Mammoth Lakes) in the event of a power outage.
(Farnetti/Hunt, 5-0)

Christina DeGeorge said Health and Human Services received a grant for \$30,000 to purchase an emergency generator, however, did not have funding for ongoing maintenance or repairs. The town has their emergency center in the same building, and has the resources for on-going maintenance, so the town and county are working together. The generator is on a trailer and the department is working with the shopping center for a place to store it. Supervisor Farnetti asked if the generator is mobile; DeGeorge said yes, and they hope to park it behind the mall behind a locked fence.

- 8c)** Automatic External Defibrillation Devices for Volunteer Fire Departments (**Christina DeGeorge**)
M07-202 **ACTION:** Approve and ratify the prior signing, by Director of the Department of Public Health, of an agreement with the Mono County Fire Chief's Association to expend grant funding in the amount of \$20,900 for the Association's purchase of eleven updated automatic external defibrillation devices.
(Farnetti/Reid, 5-0)

Christina DeGeorge said the department received grant funding to replace automatic external defibrillation devices that are no longer in compliance. Chairman Hazard asked if there would be one unit for each fire district. A member from a fire district said yes, they bought 11 units for the 11 departments since the old units don't meet current standards. Chairman Hazard asked about having a backup unit for the field. The response from the fire district representative was that this is a good idea, since they don't currently have any spare units; he thought they could use the first responder fund to purchase the additional unit. Chairman Hazard said this would be helpful for more remote districts, and he would like to see a backup unit funded. He suggested this issue be discussed during the budget.

- 8d)** Community Emergency Response Team/Medical Reserve Corp (**Christina DeGeorge**)
M07-203 **ACTION:** Approve and authorize the Chair to sign an agreement with the Mammoth Lakes Police Department to expend grant funding in the amount of \$15,000 for the Department's establishment of a Community Emergency Response Team/Medical Reserve Corp.
(Hunt/Farnetti, 5-0)

Christina DeGeorge said there is a nation-wide effort to support this program and it is a requirement of the grant to support a reserve corp. In order to start, materials need to be purchased and members of the emergency response community need to be involved and trained. The Mammoth police department wants to do this, and they have sent someone to training. This is a one-time only expenditure to get started. Chairman Hazard suggested the Board determine which department is the best location for the volunteers, but he supported getting the program started.

- 8e)** Workshop on Environmental Health (**Tom Wallace**)
ACTION: Receive presentation on environmental health planning issues, and provide direction to staff, as desired, on preparation for transition to a County operated environmental health program.

Tom Wallace gave a PowerPoint presentation about establishing a county administered environmental health program (the full report is on file in the Clerk's Office). He said the Board needs to consider the scope of services and how to deliver the services. The program is now administered by the state, and it is likely their costs will increase after the contract expires in June of 2008. Administrative overhead is capped at 15% in the current budget, and if the county chooses to renew the contract after June of 2008, the state will be looking for full reimbursement, 35-40%, so it will be expensive to continue contracting with the state.

Wallace highlighted the following:

- Scope of services. Does the County want to continue the same services provided historically under the current contract? Service elements include monitoring: (1) food sanitation conditions in restaurants, (2) recreational facilities, (3) land development, (4) solid waste, (5) liquid waste, (6) vector biology, (7) rabies control, (8) housing and institutions, and (9) water production and distribution. Services also include CUPA (Certified Unified Program Agency) that enforces regulations on handling hazardous waste.
- Mandates. Do we have to continue performing at this level of service? Do we want to do more? According to code, all environmental health services come under the general public health mandate to protect health and public safety. Most of the work (especially permits) is reflected in county code. In addition, the health and safety code references all the elements reviewed above, except land development and vector biology. Land development is referenced indirectly to a mandate, and the state is responsible for vector biology with counties supplementing state resources. Vector work is important because there is significant risk of exposure to a variety of diseases such as hanta virus, plague, and Lyme disease.
- Compared information about the number of hours spent issuing permits and inspections to the number of hours they should be spending. These statistics show there is a need for six positions to do the work required. Not all work is tied to permits; a significant amount of time is dedicated to services such as monitoring surface and ground water quality, air quality, housing and institutions, land development, and vector biology. Mono County does a large amount of vector work, and if they maintain this workload, they need to reduce the permit work. With six FTEs, they can somewhat increase vector biology and continue with the other work; they may also be able to include additional work required in surface and ground water quality.
- Regarding organizational structure, environmental health could be put under the authority of the health officer and/or health department. The recommendation is to make it a division of the Public Health Department or a Division of Health and Human Services, with a manager who is a knowledgeable representative of environmental health (Title 17 requires a director for the program).
- Does the Board have an interest in continuing the County's relationship with Alpine County? If so, they might consider entering into a partnership whereby Alpine contracts with Mono County for environmental health services. This would require an additional staff member.
- Summary: If the Board wants to operate an environmental health program, the recommendation is to continue providing the same scope of services as in the current contract, and continue to staff for vector biology. A seven-member staff could process permits, continue with vector biology, and manage additional work. The function should be in either the health department or health and human services. Managers should be at-will employees.
- Next steps: Continue discussions, produce a budget analysis after determining salary ranges for staff and employment of a director, and report back to the Board. It is likely a program can be operated for about the same amount as the county is now spending. There is also the possibility of increasing fees since a lot of work is related to issuing permits; some of the work doesn't generate fees, however, so there may be some need to partially supplement a program. The current contract will expire June 30, 2008; if the county chooses to continue to contract with the

state they must give notice a couple of months prior to the expiration date. If the County starts its own program, they should begin recruiting no later than March. He recommended that the Board think about employing a director who can lead the transition

Board Discussion

Supervisor Farnetti referred to the comment that an in-house program won't cost more than they are currently paying to the state. Wallace said he is confident they can deliver a program for about the same cost, but suggested they continue to look at fees, which are recovering about 35-40% of the cost. Farnetti asked about productivity standards (i.e. number of permits being issued), to which Wallace replied they are substantially below standard due to a staffing shortage. Farnetti asked about solid waste management. Wallace said the state solid waste board delegates the operational and enforcement functions to the county, with state oversight. Supervisor Farnetti said they need to move forward on this issue.

Supervisor Hunt asked why the state is changing the cost of their overhead. Wallace said he didn't have an answer. Regarding the relationship with Alpine County, Hunt asked if they have been able to cover the costs. Mary Booher said funding the contract has not been an issue for them; however, contract amounts are not based on current real costs, they are based on historical costs. Wallace said he would like to open a dialogue with Alpine administrators about doing an up-do-date contract to better calculate costs.

Supervisor Reid said this is a lot of information to consider. He supported moving forward except on the recruitment of a director. Wallace said he would like to bring a budget analysis before the Board. Supervisor Farnetti said they need to know the full costs, including a director, before moving forward with recruitment.

Supervisor Bauer said if they hire a director, there will be a six-month overlap with the current contract. David Wilbrecht said an analysis will show an overlap in some areas, and this transitional overlap will need to be reviewed. Wallace said his biggest concern is with recruiting the level of staff needed in order to maintain continuity of the program. Potential recruits currently get a retiree health benefit, which the County dropped; but Mono County offers a better retirement plan. The question is whether or not the County can match salaries. Wallace said he will submit an analysis as soon as possible—perhaps by late September. Supervisor Hazard said at this point they should leave the state system. He asked for recommendations from staff so the Board can evaluate the issue.

~ LUNCH RECESS ~

Break from 12:37 p.m. through 1:20 p.m.; reconvened at 1:20 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

COUNTY COUNSEL/PUBLIC WORKS/FINANCE DEPARTMENT

- 9) Proposal to Create a Zone of Benefit or Other Assessment District to Fund Public Road Improvements and Maintenance in the Clark Tract in June Lake (**Marshall Rudolph, Evan Nikirk, and Brian Muir**)
- M07-204

ACTION: Approve County entry into an agreement with SCI not to exceed \$5,000, to be backfilled by community donations, to measure the interest level in an assessment district in the Clark Tract.

(Bauer/Hunt, 5-0)

Evan Nikirk introduced the topic. Twenty years ago homeowners in the Peterson Tract needed a long-term solution to address road issues, so a special district was established in order to provide for ongoing maintenance. The Clark Tract is facing the same issue: residents want paved and maintained roads, to be paid for by an assessment on the tax roll.

Marshall Rudolph, County Counsel, said staff is looking for Board direction concerning whether or not they wish to have staff spend time, perhaps with a consultant, pursuing this request. He highlighted the following:

- This area previously tried to set up an assessment district in 1997, and although there appeared to be community support, the measure failed because second homeowners voted against it. Much has changed since then, and there are now different property owners. An assessment district will require approval by a majority of property owners, and every property owner gets the opportunity to vote; an assessment would be weighted based on parcel size.
- The county would incur, upfront, the cost for an engineer's report (a new one for this particular proposed assessment district); and the cost of the roads, which would require financing (the assessment would pay the debt service and upfront costs would be recouped).
- At this point, the county needs a sense of community support without having to spend too much up-front money. SCI Consulting can assist with preparing a survey. Gerard van Styen said it wouldn't make financial sense to have his company do the survey; however, they could provide some services for about \$5,000 and would be willing to provide feedback about the survey design and help evaluate the results. This is just one option. The bulk of the legwork will be done by staff, and the county will pay for printing and postage costs.
- Before conducting a survey, the county needs to determine the cost of assessment in order to present this information to the public. The question is how much does the county want to spend up front to pin-down the cost? Without doing a complete engineer's report, the actual improvement work is estimated to be about \$50,000-\$100,000 per lot. The Finance Director may be able to convert this figure into an assessment to get a rough number. A more precise number will require a new engineer's report.
- Nikirk said new subdivision improvements are running about \$100,000 per lot; if they scale back on this project, eliminating full drainage and other improvements, the cost may be \$50,000 per lot. The boundary of the Clark Tract is down in the canyon on the hillside, but the boundaries of the assessment district can be smaller or larger based on the interest of property owners.

- Rudolph said there may be options depending on the number of roads included. Nikirk said home owners could consider paving only the main roads. Rudolph said the survey could propose a couple of different options to get a sense of the assessment amount people would support. It is up to the Board how to proceed.

Board Discussion and Public Comment

Chairman Hazard asked about setting up the district. Rudolph said there are many different ways to set it up, but all require voter approval. Different options include creating a zone of benefit within a county-wide CSA, which is routinely used for new subdivisions; also, districts can be established for street improvements, but must comply with Proposition 218. Bond counsel would determine the ideal mechanism.

Nikirk said zones of benefit are costing about \$350 to \$400 per parcel per year; the developer fronts this cost in new subdivisions. Brian Muir, Finance Director, said if the cost is \$50,000 per lot, with normal debt over 30 years, the cost to owners would be about \$3,500 per year. Tony Dublino, The Sheet, asked how many lots would be in the proposed zone of benefit. Rudolph said roughly 200 to 300 lots.

Paul McCahon, resident, said there is a loosely-formed association that currently hires snow plow service, and pays for repairs as needed. The Clark Tract roads are a mess, and the snow removal service is considering not plowing because it is too dangerous. As a result, several people collected funds to repair the roads enough so snow plowing will continue. This cost each resident about \$200; their support provided encouragement to pursue a more permanent solution. In addition to snow removal, there are problems with runoff and drainage that cause damage to property not in the Clark Tract. Before bringing this to the residents, the assessment amount needs to be determined; it is believed that the cost of \$50,000 to \$100,000 per parcel will provide more work than is necessary to solve the problem. There may be a cheaper alternative, such as just improving the main roads; the survey would obtain the information needed to make a decision. Because of the current condition of the roads, there are safety and lifestyle issues involved.

Don Rake, resident, said there seems to be support for improving the roads in the Clark Tract, except amongst the second homeowners and it may be difficult to convince them. The proposed process will provide the necessary information.

Supervisor Bauer said the survey should list three price points in order to determine how much owners are willing to pay. She did express concern about spending county money for a small portion of her district since there are needs in the bigger community, such as handicapped access at the community center. She suggested the residents of the Clark Tract consider raising funds to help offset the upfront costs, and asked if SCI should be involved only after there is a pool of donation money available.

Mr. McCahon said the survey needs to be accurate, hence homeowners need to know the amount of the assessment. Marshall Rudolph said it is up to the Board how to proceed; he asked the Board if they want to have SCI involved. Supervisor Bauer said SCI seems to have the expertise needed to bridge the gap.

Supervisor Farnetti supported spending the \$5,000; this issue involves safety and access. He agreed to have SCI help staff with the survey process. Supervisor Bauer said access is difficult for the fire department, and expressed confidence about getting donations. McCahon agreed and said he will make every effort to do his part. Brian Muir, Finance Director, said the biggest expense will be the engineering work; they need good figures so the consultant has something to tell people. Supervisor Bauer asked about the possibility of choosing a price range for the project and then getting consensus; with that information they can decide how to do the project. Muir said this scenario would produce an amount, but what will it buy? Nikirk said he could work with the homeowners to define the area and develop options, and he can work with the contractors regarding cost estimates. If the Board chooses, he can use an engineering consulting firm.

Rake suggested they could pave what exists since they don't need wider roads. Nikirk said there will be some procedural work to do, such as obtaining offers of dedication from each homeowner for the rights of way. Supervisor Reid asked how much was spent in 1997 on this project. Rudolph said the county spent about \$10,000-\$15,000, which included bond counsel and an engineer. Reid said if there are 200-300 lots, a contribution from each homeowner would be minimal (to raise \$5,000 for the survey); he said the Board needs to know how much it will cost the county. McCahon said he hasn't approached people yet because they will want to know the cost of the project. Supervisor Bauer suggested they update the previous engineering report. She also said the community needs to be part of the discussion about the improvements. Nikirk said it will cost a few thousand dollars to update the report.

Chairman Hazard said the Board spent more than \$10,000-\$15,000 on fish, and he was willing to spend the same in order to get the engineering report. The community could then fund the survey. Supervisor Reid said he could support expending the \$5,000, but expressed concern about the cost for the reports. Marshall Rudolph said if the measure passes, the county can recover its costs.

David Wilbrecht, CAO, said this is a political process and the proponents could raise 60% of the cost to initiate the process. Once the money is raised (showing the level of community support), the Board can then decide to move forward with additional funding. He suggested putting the upfront burden on the community. Supervisor Bauer agreed. McCahon agreed that the community should raise half of the survey cost as a show of support. He suggested that Rudolph and Nikirk join in a community meeting to answer questions, and the community can probably reach consensus early on. Supervisor Farnetti said they need to determine the level of interest. Supervisor Reid agreed that he wants to see a good faith effort on the part of the community.

Muir said he will budget the \$5000; Rudolph said he will work with McCahon and Supervisor Bauer on the survey.

Break at 3:10 p.m. through 3:20 p.m.; reconvened at 3:20 p.m.

COUNTY COUNSEL/COUNTY ADMINISTRATION/COUNTY FINANCE

- 10) Workshop Regarding Use of Public Funds (**Marshall Rudolph, David Wilbrecht, and Brian Muir**)
ACTION: (1) Receive presentation by County Counsel regarding laws governing use of public funds and application of said laws to current or proposed County practices and policies for food and refreshments, employee recognition and

appreciation, club memberships, and similar expenses. (2) Provide any desired direction to staff.

THE BOARD PULLED THIS ITEM AND RESCHEDULED IT FOR THE AUGUST 21ST MEETING.

ADJOURNMENT at 4:05 p.m.

Mono County Board of Supervisors next regular session will be on **August 21, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

Housing Authority Special Meeting at 2:30 p.m.

§§§§§